

REMARKS

Claim 1 has been amended to limit the flavonoid to isoginkgetin; the isoginkgetin is characterized as isolated and purified to distinguish a composition which is simply an extract from *Ginkgo biloba*. This amendment is supported, for example, by Example 2 and Figure 1 and throughout the specification. Claims 2 and 3 have been canceled as inconsistent with the amendment to claim 1.

No new matter is added and entry of the amendment is respectfully requested.

Formal Matters

Applicants have noted that on the first page of the Office action a box has been checked indicating that none of the certified copies of the priority documents have been received. Applicants believe this box has been checked in error; the Notice of Acceptance dated 18 May 2007 confirmed that the priority documents were received, and applicants' representative haS contacted the PCT branch (on 19 March 2009) and was informed that the application history had been reviewed and the receipt of the priority documents was confirmed.

The Rejections Under 35 U.S.C. § 112

All examined claims were rejected under 35 U.S.C. § 112, paragraph 2, because of the misspelling of "flavonoid." This rejection is moot in light of the amendment to the claims. The title has also been amended.

All claims were rejected under 35 U.S.C. § 112, paragraph 1, as assertedly non-enabled. The claims have been amended to the scope acknowledged as enabled by the Examiner. Accordingly, this basis for rejection may be withdrawn.

The Art Rejection

All claims were rejected as assertedly anticipated by Kondo, *et al.* (JP 410287531A, abstract). The Kondo abstract fails to anticipate the claims as amended. As noted by the Office, the cosmetic used by Kondo is a crude extract of *Ginkgo*, and does not employ isolated and purified isoginkgetin. Accordingly, this basis for rejection may also be withdrawn.

Conclusion

In light of the amendment and discussion herein, claims 1, 8, 10, 12 and 16 are in a position for allowance and passage of these claims to issue is respectfully requested.

If minor matters remain that could be resolved by phone, a telephone call to the undersigned is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit

Account No. 03-1952 referencing docket No. 432722003800.

Respectfully submitted,

Dated: March 27, 2009

By: _____ / Kate H. Murashige /
Kate H. Murashige
Registration No.: 29,959
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
Telephone: (858) 720-5112
Facsimile: (858) 720-5125